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Attorneys for Plaintiff,
SCOTT SEXTON

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SCOTT SEXTON,

Plaintiff,

v.

SPIRIT AIRLINES, INC., a Delaware
Corporation; and DOES 1-10, inclusive,

Defendants.

Case No. 2:21-CV-00898-TLN-ac

*[Removed from Placer County Superior Court
Civil Case No. S-CV-0046527]*

**NOTICE OF MOTION FOR LEAVE
TO FILE FIRST AMENDED
COMPLAINT PURSUANT TO RULE
15 AND LOCAL RULE 230**

Date: July 14, 2022
Time: 2:00 p.m.
Location: Courtroom 2, 15th Floor
Judge: Hon. Troy Nunley

**TO THE CLERK OF COURT, THE HONORABLE U.S. DISTRICT COURT
JUDGE, THE PARTIES AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that on **July 14, 2022 at 2:00 p.m.** or as soon thereafter as counsel may be heard in the United States District Courthouse, Eastern District of California, Courtroom 2, 15th Floor, 501 I Street, Sacramento, CA 95814, Plaintiff Scott Sexton (“Plaintiff”) will and hereby does move this Court for an order granting him leave to file a First Amended Complaint to add new facts that have been revealed through recent discovery and events pursuant to Rule 15(a)(2) of the Federal Rules of Civ. Proc.

Good cause exists to file the First Amended Complaint as Plaintiff has not amended the complaint prior, and new facts that were not known or existed at the time are being added. In addition, additional facts are being added to clarify Plaintiff’s position.

No New Causes of Action are added to the proposed First Amended Complaint. Defendant’s attorneys refused to stipulate to filing of a First Amended Complaint, therefore Plaintiff was forced to bring this motion.

This Motion will be based upon this Notice of Motion, the accompanying Memorandum of Points and Authorities, the declaration of James A. Clark, all papers and pleadings on file in this action, and upon such other matters as may be presented to the Court at the time of the hearing.

Pursuant to Local Rule 137(c), a proposed First Amended Complaint (hereinafter, “proposed FAC”) is attached to the Declaration of Counsel (Exhibit A).

DATED:6/2/2022

Respectfully submitted,

/s/ James A. Clark
James A. Clark, Esq.
Renee P. Ortega, Esq
TOWER LEGAL GROUP
Attorneys for Plaintiff